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June 25, 2021

**Via ECF Only**

The Honorable Magistrate Gabriel W. Gorenstein  
United States District Court, Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

**MEMORANDUM ENDORSEMENT**

Re: *Supercom Inc. v. 911inet LLC et al*  
**Case No.: 20-cv-08228-JSR**

Dear Honorable Magistrate Judge Gorenstein:

This law firm represents plaintiff Supercom Inc. (“Plaintiff”) in the above-referenced action.

Pursuant to Your Honor’s Individual Motion Practice 1(F), and Your Honor’s Order dated April 26, 2021 [D.E. 28] (the “Settlement Conference Order”), this letter respectfully serves to request an adjournment of the settlement conference scheduled for July 6, 2021 at 10:00 a.m. This is the second request of its nature, and is not made on consent of defendants 911inet LLC and John Doe Corporations 1-5 d/b/a Specialty Location Services (all together, the “Defendants”). As set forth more fully below, Defendants have been unresponsive to the undersigned’s multiple meet-and-conferral attempts.

Pursuant to Paragraph 8 of the Settlement Conference Order, Plaintiff respectfully requests that the settlement conference be adjourned *sine die*.

By way of background, On April 26, 2021, the Honorable Senior Judge Rakoff referred the instant matter to Your Honor for a telephonic settlement conference. [D.E. 28]. By letter motion dated May 19, 2021 [D.E. 29], the undersigned requested an adjournment of the settlement conference date on the ground that:

“...an adjournment would permit Plaintiff to obtain documents and information to facilitate a settlement, in accordance with paragraph 8 of the Settlement Conference Order. Additionally, Defendants had recently raised an inability to pay argument that requires documentation and proof, pursuant to paragraph 9 of the Settlement Conference Order.”

*Id.* On May 18, 2021, the undersigned submitted Plaintiff’s settlement conference statement, in accordance with Your Honor’s Settlement Conference Order. Plaintiff’s settlement conference statement advised the Court that Defendants had violated Your Honor’s Settlement Conference Order. The following day, on May 19, 2021, Your Honor, in an email, instructed that:

“It appears that Defendants have not compiled with paragraphs 4 and 9 of the ‘Standing Order Applicable to Settlement Conferences Before Judge Gorenstein.’ The Standing Order is attached to the Order that set up the settlement

conference in this matter. Defendants shall re-read these paragraphs to be sure that they are in compliance. There will be only one settlement conference and the parties should ensure that they are fully prepared to proceed with the conference.”

By Order dated June 7, 2021 [D.E. 31], Your Honor adjourned the settlement conference to July 6, 2021.

Since Your Honor’s June 7, 2021 Order [*Id.*], Defendants have not communicated a response to Plaintiff’s settlement demand nor have Defendants provided any documentation whatsoever concerning an inability to pay argument that requires documentation and proof, pursuant to paragraph 9 of the Settlement Conference Order. The undersigned reminded Defendants’ counsel of Defendants’ obligations in a conference call last Friday, on June 18, 2021, and once again, by email, on June 24, 2021. Defendants have not responded to yesterday’s email communications.

Given the upcoming July 4<sup>th</sup> holiday, even if Defendants produce financial documents concerning an inability to pay, there is not enough time for the undersigned and Plaintiff to have a meaningful opportunity to review financial documents that would support Defendants’ purported inability to pay. Thus, a *sine die* adjournment of the July 6, 2021 is appropriate.

Thank you, in advance, for your time and consideration.


**LEVIN EPSTEIN & ASSOCIATES, P.C.**

By: /s/ Joshua Levin-Epstein  
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Cc: Defendants’ counsel via ECF

**The parties' joint request to adjourn the settlement conference is granted. The conference is adjourned sine die. The parties shall file a joint letter on the docket as soon as both sides are prepared and ready to proceed with a settlement conference. This adjournment has no effect on the existing deadlines in this case.**

**So Ordered.**

  
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GABRIEL W. CORENSTEIN  
United States Magistrate Judge  
June 29, 2021